

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

APR 27 10:16

James P. Gleason, Chairman

Dr. Oscar H. Paris

Frederick J. Shon

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CONSOLIDATED EDISON COMPANY OF : Docket Nos. 50-247-SP
NEW YORK, INC. (Indian Point, : Docket Nos. 50-286-SP
Unit 2) :
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POWER AUTHORITY OF THE STATE OF :
NEW YORK, (Indian Point, :
Unit 3) :
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April 22, 1983

LICENSEES' INTERROGATORIES TO  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY

ATTORNEYS FILING THIS DOCUMENT:

Charles Morgan, Jr.  
MORGAN ASSOCIATES, CHARTERED  
1899 L Street, N.W.  
Washington, D.C. 20036  
(202)466-7000

Brent L. Brandenburg  
CONSOLIDATED EDISON COMPANY  
OF NEW YORK, INC.  
4 Irving Place  
New York, New York 10003  
(212)460-4333

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PRELIMINARY STATEMENT

Pursuant to 10 CFR Part 2 and the Memorandum and Order (Formulating Contentions, Assigning Intervenors, and Setting Schedule) herein, dated April 23, 1982 (the "April 23, 1982 Order"), Consolidated Edison Company of New York, Inc. ("Con Edison"), licensee of Indian Point Station, Unit No. 2, and Power Authority of the State of New York ("Power Authority"), licensee of Indian Point 3 Nuclear Power Plant (collectively the "licensees"), request that the Federal Emergency Management Agency ("FEMA") answer on or before April 26, 1983, under oath and otherwise in accordance with 10 CFR Part 2 and the April 23, 1982 Order, the following interrogatories:

DEFINITIONS

- A. "or" shall mean and/or.
- B. "Document" shall mean any kind of written or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, copies and drafts and both sides thereof, and including, but not limited to: papers, books, correspondence, telegrams, cables telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings (including, but not limited to, meetings of boards of directors or committees thereof),

affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, financial statements, computer printouts data processing input and output, microfilms, all other things similar to any of the foregoing however denominated by FEMA.

C. "Identify" or "state the identity," when referring to a document shall mean to state:

1. The generic nature of the document (e.g., letter, memorandum, telegram, etc.);
2. The date on which the document and each copy thereof was prepared;
3. The name of each author, addressor and addressee of the document;
4. The name of each past or present custodian of each copy of the document; and
5. A brief description of the contents of the document. (In lieu of such a description, you may append to your answer a true and complete copy of the document.)

D. "Identify," when referring to an oral communication, shall mean:

1. To state the date of such communications;
2. To identify each person participating therein and each person who was present;
3. To state what was said by each participant in the course of such communication, or, if not known as recalled, the substance;

4. To state whether there are any documents which set forth, summarize or refer to any portion of such oral communication; and

5. If such documents exist, to identify each such document and each person having custody of the document.

E. "Identify" or "state the identity", when referring to a person, shall mean to state:

1. The person's full name;
2. The name of his employer;
3. His position with such employer;
4. His business address and telephone number; and
5. His present or last known home address and telephone number.

F. "Identify," when referring to a claimed deficiency, defect or inadequacy in emergency planning for Indian Point or the Indian Point emergency plan, shall mean to state specifically the nature of the claimed deficiency, defect or inadequacy, including:

1. the aspect of planning, provision of the plan alleged to be deficient, defective or inadequate;
2. the grounds for your claim that the aspect of planning, plan or provision is deficient, defective or inadequate;
3. whether steps have been taken at any nuclear plant, or in any emergency plan other than Indian Point to correct such deficiency, and if so, the identity of the nuclear plant or emergency plan.

G. To "state the grounds" or to "identify the grounds" for an allegation, claim, or contention means to describe in

detail the reasoning and facts and to provide all data and calculations, which you claim support the allegation, claim, or contention, and to identify all relevant documents, and communications, and individual informants and to state the precise nature and source of your knowledge, information and belief that there is good ground to support such allegation, claim, or contention, and to specify any assumption on which the allegation, claim or contention is based.

#### INTERROGATORIES

1. State whether FEMA has a plan or program, the purpose of which is to insure uniformity or consistency in the interpretation or application of the regulations in 10 CFR §50.47 and Appendix E to 10 CFR Part 50, or of NUREG-0654 planning standards, between nuclear power plant sites and between FEMA Regions, and if so, describe and identify the plan or program. Identify all nuclear power sites to which this plan or program has been applied.

2. State whether FEMA has any manuals, guidebooks or standard review plans or procedures, other than NUREG-0654, which it employs in reviewing radiological emergency plans or in assessing the adequacy of such plans, and if so, identify the documents and materials so employed.

3. In connection with FEMA's review and evaluation of radiological emergency plans, and in connection with FEMA's review of radiological emergency plan drills and exercises, state how a determination is made as to whether a particular

shortcoming or deficiency is to be characterized as "significant" or "minor," and identify all criteria employed in making such characterizations.

4. Identify each instance in which FEMA has encountered a lack of cooperation or participation in radiological emergency planning activities on the part of one or more state county or local governmental units, and in each such instance: (1) describe and identify the nature of the lack of cooperation or participation; (2) identify all compensating actions or measures taken or attempted to ameliorate the significance of the lack of cooperation or participation; (3) state whether FEMA evaluated or assessed the sufficiency of the compensating actions or measures, and if so describe and identify FEMA's evaluation or assessment; and (4) describe and identify the activities engaged in by FEMA to bring about the cooperation or participation of the governmental unit or units involved.

5. Identify each instance in which FEMA has determined that there were radiological emergency planning or preparedness deficiencies relating to arrangements for transportation of transit-dependent persons, and in each such instance: (1) describe and identify the nature of the deficiency; and (2) state whether the deficiency was found by FEMA to be significant or not, and describe the process by which such finding was made and the grounds therefor; and (3) identify all compensating actions or measures taken or attempted to ameliorate the significance of the deficiency.

6. Identify each radiological emergency response plan of which FEMA is aware which requires or provides for contractual arrangements committing public or private transportation providers to transport transit-dependent persons in the event of a serious radiological accident.

7. In reviewing radiological emergency plans or in assessing the adequacy of such plans, state whether it is FEMA's policy to consider or assess the adequacy of planning with respect to any particular serious radiological accident or class of accidents, and if so, describe the accident or class of accidents employed, and state why such accident or class of accidents was selected.

8. Identify each instance in which FEMA has found that it could not assure that public health and safety could be protected in the vicinity of a nuclear power plant and in each such instance: (1) describe and identify the grounds for FEMA's inability to provide such assurance; (2) describe the basis, grounds and criteria which FEMA used in reaching such a conclusion; and (3) describe and identify the assumptions which FEMA made about the radiological accident or accidents for which protection could not be assured, including the warning time for such accident(s), the nature, timing and effectiveness of those protective responses which FEMA was able to find as feasible, and the quantity of radioactive materials released.

9. With respect to proposed 44 CFR Part 350, state why such proposed regulations have not been adopted, and

identify all comments which FEMA has received regarding such proposed regulations subsequent to their publication in 47 Federal Register 36388 (August 19, 1982).

10. State whether FEMA Region II has received any instructions from the office of the FEMA Director or Associate Director regarding either the conduct of the Indian Point Special Proceeding or the evaluation of radiological emergency planning or preparedness in the vicinity of the Indian Point site, and if so, describe and identify such instructions.

11. Identify and describe all correspondence between FEMA and the Nuclear Regulatory Commission ("NRC") relating or referring to: (1) the sufficiency of radiological emergency planning or preparedness at the Indian Point site; (2) those instances referred to in your answers to Interrogatory Nos. 4 and 5; (3) generic problems in evaluating off-site radiological emergency planning or preparedness; or (4) procedures or standards for characterizing emergency planning deficiencies as "significant" or "minor".

12. Identify and describe all correspondence between FEMA and state, county or local government elected officials relating to off-site radiological emergency planning or preparedness in the vicinity of the Indian Point site.

13. State whether it is FEMA's policy to encourage states to undertake compensatory actions or measures in instances where there is a lack of cooperation or participation in radiological emergency planning on the part of county or



local governmental units, and describe the standards and criteria by which FEMA would evaluate any such compensatory actions or measures.

14. Identify and describe the standards and criteria which FEMA employs or would employ, for determining the sufficiency of radiological emergency planning and preparedness to provide assurance that public health and safety would be protected, with respect to conditions and circumstances which are not completely susceptible of verification by an exercise or drill.

15. Identify and describe all criticisms and claims of inadequacy of which FEMA is aware relating to its radiological emergency planning and preparedness review and assessment activities.

16. State whether FEMA has provided, directly or through contractors, field training in the vicinity of nuclear power plants for persons who would be called upon to perform radiological emergency response activities in the event of a serious accident at such plant site, and if so, identify each such site and describe the nature and extent of such field training.

17. State separately (i) on an aggregate national basis, and (ii) for the Indian Point site, the amount of monies (or man-hours) which FEMA has devoted to: (1) radiological emergency preparedness training programs; (2) assessment and verification activities; (3) assessment and evaluation

activities specifically related to exercises; and (4) other radiological emergency preparedness functions including, without limitation, hearing support, and identify such other functions.

18. State whether FEMA has a plan or program, the purpose of which is to insure uniformity or consistency in the interpretation or application of the regulations in proposed 44 CFR Part 350 between nuclear power plant sites and between FEMA regions, and if so, describe and identify the plan or program. Identify all nuclear power plant sites to which this plan or program has been applied.

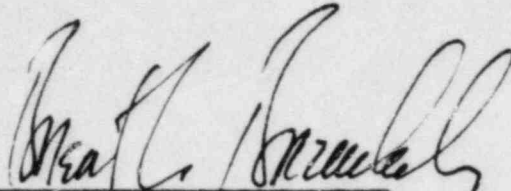
19. Identify each radiological emergency response plan of which FEMA is aware which does not contain written or other contractual commitments for emergency workers or response personnel identified in the plan and in each instance: (1) identify FEMA's overall conclusion with respect to the adequacy of the plan; and (2) if the plan has been judged adequate, state why the absence of such written or other contractual commitments did not lead to a judgment of inadequacy.

20. Identify all FEMA procedures for appealing, challenging, or otherwise contesting any finding, order, or other determination by a FEMA regional and/or national office.

DOCUMENT REQUEST

Licensees request that FEMA produce for inspection and copying, pursuant to 10 CFR §2.741, each and every document identified in response to any interrogatory set forth above.

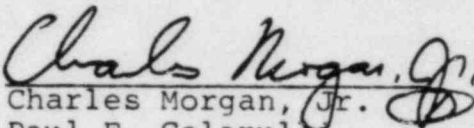
It is requested that the aforesaid production be made on April 26, 1983 at a time and place to be agreed upon.

  
Brent L. Brandenburg

CONSOLIDATED EDISON COMPANY  
OF NEW YORK, INC.  
Licensee of Indian Point  
Unit 2  
4 Irving Place  
New York, New York 10003  
(212) 460-4600

Dated: April 22, 1983

Respectfully submitted,

  
Charles Morgan, Jr.  
Paul F. Colarulli  
Joseph J. Levin, Jr.

MORGAN ASSOCIATES, CHARTERED  
1899 L Street, N.W.  
Washington, D.C. 20036  
(202) 466-7000

Stephen L. Baum  
General Counsel  
Charles M. Pratt  
Assistant General Counsel

POWER AUTHORITY OF THE STATE  
OF NEW YORK  
Licensee of Indian Point  
Unit 3  
10 Columbus Circle  
New York, New York 10019  
(212) 397-6200

Bernard D. Fischman  
Michael Curley  
Richard F. Czaja  
David H. Pikus

SHEA & COULD  
330 Madison Avenue  
New York, New York 10017  
(212) 370-8000